

# EXHIBIT 4

U.S. Equal Employment Opportunity Commission

February 20, 2015

5410 Fredericksburg Road, Suite 200

San Antonio, TX. 78229-3555

Attention: Ms. Minerva Melendreras

RE: Charge Number 451-2014-01963

Dear Ms. Melendreras,

There are some major inaccuracies in the information provided by UPS and noted in the EEOC letter I received dated January 29, 2015. There are several inaccuracies in the Essential Job Functions which UPS provided you with. Located at the bottom of the page you will see -85- dated 0 /1/2008; this is the actual page number with a blurred date on lower right hand of the bottom of the page. For my purpose I will call this page 1 of the UPS Essential job functions. The first line on page 1 states. " UPS-SCS Position. The acronym for SCS means Supply Chain Solutions. The Supply Chain Solutions Division of UPS is a separate business segment of UPS that handles services such as air cargo and ocean freight, areas I had nothing to do with and was not assigned any of the job functions for the SCS Division of UPS nor was I ever given the title of UPS-SCS Position. My role as an Inside Sales Representative (ISR) for the Small Package Division was help for approximately 5 years, and as an Enterprise Account Representative (ISR) for The UPS Stores for over 1 year, I performed the following essential job functions:

*UPS- Small Package Division*

- Work in a seated or standing position for the duration of the workday
- Shift was 8 AM- 5 PM, No overtime or varying afternoon or evening shift work was an option or available; this was a full-time job.

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- Management and growth of new and existing account base of 1400- 1700 accounts
- Perform office tasks using simple hand grasping, fine hand manipulation, and reach associated with assigned tasks such as paperwork, typing, and /or use of computer, filing, calculating, and use of telephone.
- Have a sufficient ability to communicate, through sight, hearing, and /or otherwise, to perform assigned tasks, and maintain proper job safety conditions.
- Work cooperatively in a diverse work environment
- Demonstrate cognitive ability to: follow directions and routines, work independently with appropriate judgment, exhibit spatial awareness, read words and numbers, concentrate memorize and recall, identify logical connections and determine sequence of response, process 2-3 steps ahead.

UPS provided a list of essential job functions for employees who work in the Supply Chain Solutions Division (see page 1 UPS-SCS Essential Job Functions) and work in a managerial or supervisor role. "Non-Operations Specialist" is also listed under the Supply Chain Solutions division of UPS and not the Small Package Division. The discrepancy is that I was an ISR not a SCS employee which I have stated above. Please see the list below to indicate that The Essential Job Functions, which are not applicable to my role as an ISR for UPS.

***Exceptions to Essential job functions list provided by UPS:***

- *I did not work for the UPS-SCS, Supply Chain Solutions division*
- *I was not a manager or supervisor for Supply Chain Solutions or paid at this level*
- *I was not a, "non- operations specialist", for Supply Chain Solutions*
- *Ability to work varying shifts and extended hours as service needs dictated did not apply to my role as an ISR. I worked a 8 AM -5 PM full-time, 40 hour work week. ISR's were never*

authorized to work overtime. My pay was based on hours worked per week and entered daily in payroll time recording system or "PTRS". I was not given an accommodation to work part-time.

- *Grasp, lift (from floor to shoulder height to floor), push, pull, carry and manipulate equipment, packages or parts weighing up to 30 pounds* did not apply to the role of an ISR. My role was sedentary, and involved speaking to customers on the phone and computer work. I did not handle UPS packages, cargo or freight. I lifted my headset, moved my chair, typed, and used a mouse.

My request for a ADA disability accommodation were impacted due to numerous incorrect essential job functions provided by UPS. For example, - *Grasp, lift (from floor to shoulder height to floor), push, pull, carry and manipulate equipment, packages or parts weighing up to 30 pounds*. My request for accommodation was to limit the weight I could lift, push, or pull to **5 lbs**. This is not an, "*extreme limiting physical*" factor or an unreasonable request for accommodation for me to return to work as an ISR as UPS has stated.

-*Bend, stoop/squat, crouch/ kneel, climb stairs and walking intermittently throughout the workday* did not apply to the role of an ISR. Again, I did not handle UPS packages, cargo or freight in a distribution center or warehouse environment.

-*Must be able to travel by car and plane to attend meetings at other locations and call on non-UPS locations and customers.* These were not my essential job functions. These are typical of management and supervisory positions. With the exception of a one-time travel to a convention in Las Vegas timeframe was approximately 2012; I did not travel out of the city or state to attend meetings at other locations and call on non-UPS locations and customers as part of my essential job function.

-*Must be able to supervise and train employees effectively.* I was not a supervisor, manager and was not assigned to train employee's effectively this was not my essential job function. My title

and pay were as an ISR, I did not receive management benefits, management pay, or additional management compensation for UPS-SCS position and job functions.

On March 5<sup>th</sup>, 2014 I called Lenroe Hawthorne(HIR Manager) to let him know I faxed the ADA-03 medical documents to Patricia Lorio, the Occupational Nurse for UPS on February 21, 2014. In the Request for Medical Information documents, my physician (Dr. R. Martinez) stated I can return to work on or about March 15, 2014. (EEOC has a copy of this evidence.)

Mr. Lenroe Hawthorne HR Manager did not respond to my physicians return to work after March 15, 2013. Mr. Hawthorne and Ms. Patricia Lorio did not coordinate a meeting with me until April 10, 2014. I went into the UPS building located off of Callaghan on April 10, 2014 where a scheduled conference call with Ms. Patricia Lorio, Occupational Nurse to review the accommodation checklist and my doctors written accommodation notes.

We all had copies of the same documents, Mr. Hawthorne read them aloud, and shortly thereafter the meeting was over. Ms. Patricia Lorio, Occupational Nurse Supervisor previously stated she had not heard of my medical condition, (RSD) Reflex Sympathetic Dystrophy, or (CRPS) Complex Regional Pain Syndrome even though she had access to my medical records. Mr. Lenroe Hawthorne stated, "if they took me back they would have to do this for everyone and legal probably would not go for it." No accommodation was offered and I was told to go home and wait to hear back from Mr. Hawthorne.

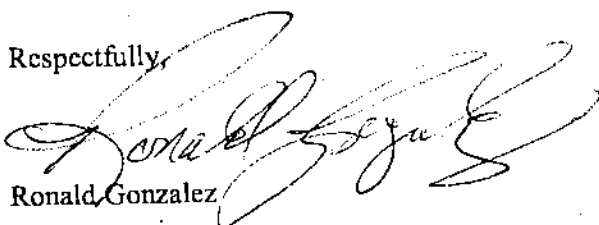
After the April 10, 2014 meeting, I did not hear back from either individual UPS's Mr. Hawthorne and Ms. Patricia Lorio about any accommodations and a start date to return to work.

On April 21, 2014 I received an email from Ms. Patricia Lorio with the heading, ADA Letter-6 Month Search. This email was also CC'd to CBORRELLI@UPS.COM and LHA Hawthorne@UPS.COM. This letter was sent to me by Ms. Loria and not Lenroe

Hawthorne. She states: "I regret to inform you that after carefully reviewing your situation, we are not aware of any available positions at UPS at this time for which you are qualified and capable of performing the essential job functions with or without reasonable accommodation. Know that we will continue to look for such available positions for up to six (6) months". On April 21, 2015, I called Mr Hawthorne to discuss this email and he was not aware that he has sent such an email and was not kept abreast of Ms. Lorio sending an email to me on his behalf. I gave him the time stamp of the email and he was able to retrieve his copy and he stated that Ms. Patricia Lorio signed his name to this document without his knowledge. I was under the influence that Mr, Hawthorne and Ms. Lorio would be conducting a job search and providing updates to me once they found a position. Again, neither individual was able to educate me about why they could not accommodate me within the same job function I was performing at UPS as an ISR

***Please amend my charge of ADA discrimination to include the following: Because of my FMLA disability, and because I requested a job accommodation due to my disability, UPS retaliated against me by terminating my employment.***

Respectfully,



Ronald Gonzalez

should be  
"small package"

UPS-SCS Position:

Non-Operations Specialists/Supervisors/Managers

Essential Job Functions:

- Work in a seated position for the duration of the workday
  - Part-time: 3 to 5 hours per day, 5 days per week
  - Full-time: up to 8 hours per day, 5 days per week
- Ability to work varying shifts and extended hours as service needs dictate.
- Report to work on a regular and timely basis and complete the scheduled workday on a consistent basis.
- Grasp, lift (from floor to shoulder height), lower (from shoulder height to floor), push, pull, carry and manipulate equipment, packages or parts weighing up to 30 pounds.
- Bend, stoop/squat, crouch/kneel, climb stairs and walk intermittently throughout the workday.
- Must be able to travel by car and plane to attend meetings at other locations and call on non-UPS locations and customers.
- Must be able to supervise and train employees effectively.
- Perform office tasks using simple hand grasping, fine hand manipulation and reach associated with assigned tasks such as paperwork, typing, and/or use of a computer, filing, calculating and use of telephone.
- Have a sufficient ability to communicate, through sight, hearing, and/or otherwise, to perform assigned tasks and maintain proper job safety conditions.
- Work cooperatively in a diverse work environment.
- Demonstrate cognitive ability to:
  - follow directions and routines
  - work independently with appropriate judgment
  - exhibit spatial awareness
  - read words and numbers
  - concentrate, memorize, and recall
  - identify logical connections and determine sequence of response
  - process 2-3 steps ahead
- Perform other functions that may be assigned.

The essential functions of this job may vary greatly depending upon the size and location of the UPS Supply Chain Solutions facility and the account(s) serviced at such facility. At some locations, employees may not perform all of the essential job functions listed above. At other locations, employees may perform some or all of the functions listed above and, in addition, may be required to perform other jobs or tasks as directed. In addition, given the nature of the business, UPS Supply Chain Solutions retains the right to modify the essential functions of this position at any time.

*UPS Sales Representative*  
generating sales solutions that meet customer needs.

- Researches competitor strategies, capabilities, and pricing patterns through using sales tools and marketing information, and questioning customers to identify ways to position UPS products advantageously in comparison to competitors.

**Ensures Contractual Compliance/Securing New Contracts**

- Reviews customers' shipping practices to ensure contractual compliance with stated terms (e.g., shipping volume being met, packaging) and contacts the customer if they are not in compliance with the contract.
- Uses the TEAMS sales tool to determine appropriate customer discounts and uses this information to write new contracts that meet customer's shipping needs and make good business sense for UPS and has them approved by the Inside Sales Account Supervisor.

**Completes Administrative Tasks/Documentation**

- Records and/or updates all account activity in sales tools (i.e., call notes, billing updates) to ensure customer information and interactions are accurately documented to aid in future conversations.

*These are UPS Small Package  
Essential Job Functions of  
an TSR*